

July 15, 1998

THE WASATCH WAVE

Presidential Commission Releases Report on Western Water Resources

Professor Denise F. Fort, Commission Chair, announced the release of the Western Water Policy Review Advisory Commission's final report, *Water in the West: The Challenge for the Next Century*, which describes how population growth, declining groundwater levels, damaged river ecosystems, and numerous social conflicts have affected water management. The report fulfills the Commission's charge under Title XXX of Public Law 102-575 in which Congress directed the President to undertake a comprehensive review of federal activities affecting water resources in the western United States.

"Western water resources are being stressed as the West's population booms," stated Fort. "To address these challenges, we must reorient federal programs so that they further the sustainability of

the West's people and environment."

The Commission report includes recommendations that the federal government honor commitments to tribal governments respecting water resources, embark on a national program to restore river ecosystems, reconsider unsuccessful approaches being used to address water pollution from agricultural sources, and reexamine the effect of federal subsidies on the sustainable use of water.

"All of the Commission's recommendations were made within the context of an increased emphasis on watershed and basin management," Fort continued. "We need to continue to use approaches such as the innovative CALFED (a federal and state entity addressing the water needs of California's Bay and Delta region), which improve

coordination among federal, state, tribal, and local governments and increase public involvement. These mechanisms should break the gridlock that has characterized western water decision making for too long."

The Commission endorsed these efforts and recommended pilot governance projects that would integrate watershed and basin decision making. Some Commission members did not agree with the final report. Copies of letters from dissenting Commission members are included in that report.

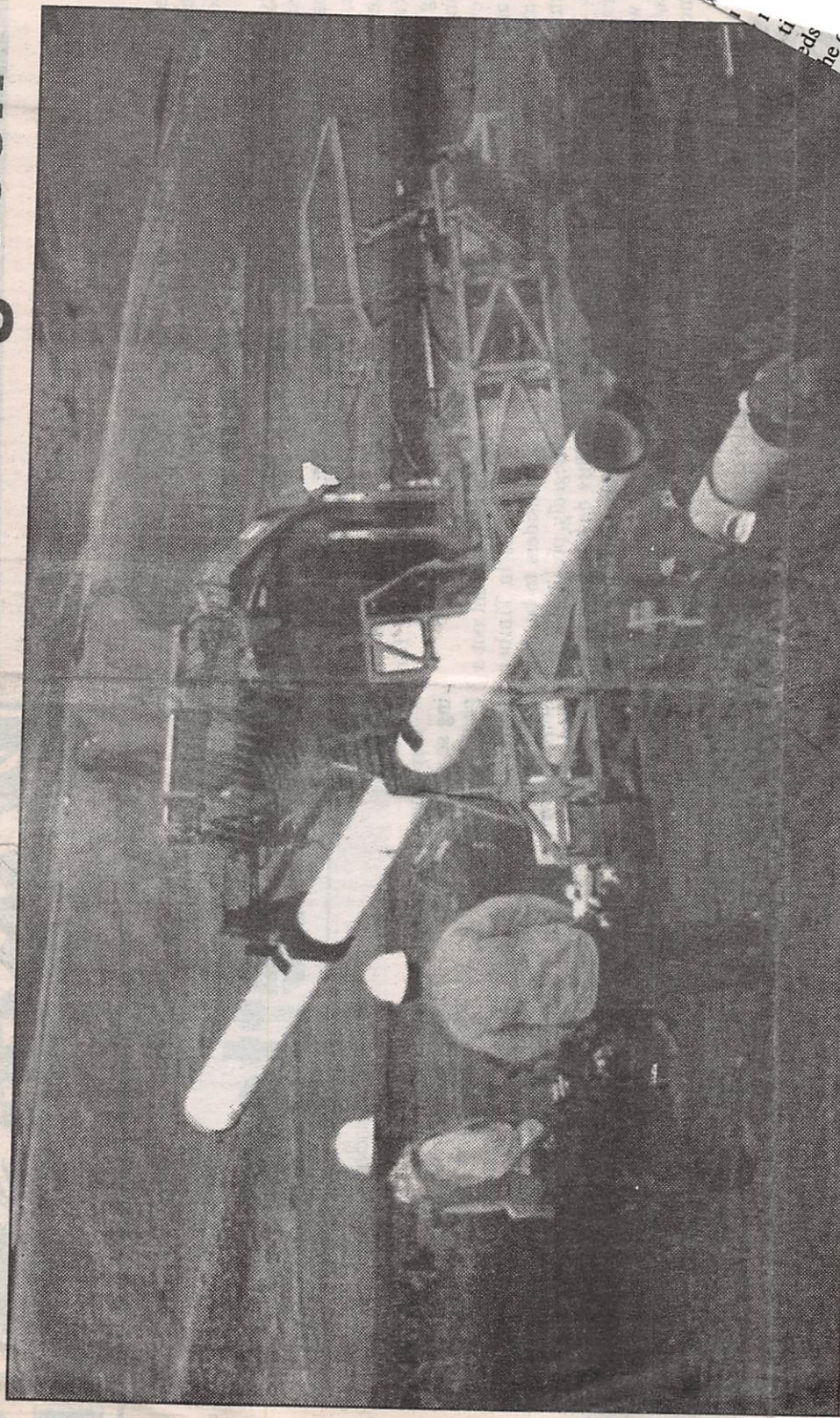
In addition to *Water in the West: The Challenge for the Next Century*, the Commission also produced 22 research reports addressing specific western water issues. The Commission and its staff held 26 meetings across the western United States. Citizens appeared

before the Commission and also submitted written comments.

Copies of *Water in the West*, along with 22 research reports, are available at the Commission's Internet homepage at www.den.doi.gov/wwprac. Printed copies of the report will be available in mid-August. All parties currently on the Commission's mailing list will receive a copy of the report. Additional copies of the report may be requested after August 24, 1998, by calling 303-445-2100.

The Commission was chartered in 1995 by Secretary of the Interior Bruce Babbitt. It consists of 22 members: 8 citizen members appointed by President Clinton, the Secretaries of the Interior and the Army, and 12 members of the Congress having jurisdiction over water programs.

Pressurized Water Coming Soon



Groundbreaking for the \$30 million Wasatch County Water Efficiency Project took place last Thursday in Heber City. The project will increase water use efficiency in the Heber Valley by converting traditional flood irrigation practices to a pressurized sprin-

kler system. The project also includes irrigation canal rehabilitation and some pipeline replacements. The project will take approximately three years to complete. Barnard Construction Company is the contractor for the project.

11-4-98

Wasatch County Water Efficiency Project



*Wasatch County
Special Service Area
Number 1*



**BARNARD CONSTRUCTION
COMPANY, INC.**

**UTAH RECLAMATION
MITIGATION
AND CONSERVATION
COMMISSION**

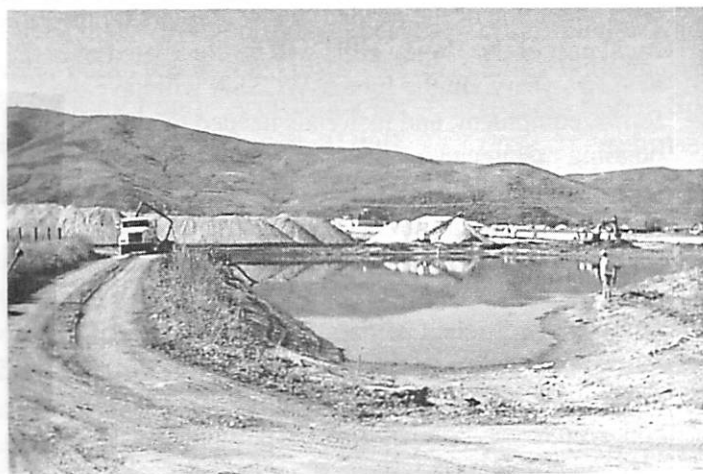
Volume 1, Number 4

OCTOBER 1999

First Full WCWEP Construction Year is Completed

Ground was broken for the Wasatch County Water Efficiency Project October 29, 1998, and as the first anniversary of that beginning approaches, major pieces of the WCWEP picture are coming into focus. The Administration Building (picture at right), which will eventually house Wasatch County Special Service Area #1, will soon be ready for interior finishing. The building is northwest of the Humbug Pond, which is undergoing major reconstruction.

Planned clearing and grubbing work in the Timpanogos and Wasatch Canals is being completed now that water is out for the season. Construction activities have been scheduled to minimize the inevitable inconveniences to the community.



As Rights-of-Way were obtained from valley property owners during the past year, work has gone forward on the lateral system designed to convey water westward from the two main canals.

Taking advantage of stockpiled piping, good weather, and Forest Service encouragement, work was begun early on the Daniels Replacement Pipeline. This system-within-the WCWEP-system will carry water from the Timpanogos Pond south to the Daniels Irrigation Company. When the DRP is in place, the diversion of Strawberry Basin water through the Daniels Tunnel can be terminated.

Although shorter days and lower temperatures will mean schedule adjustments, some canal work is best done in the non-irrigation season, and Barnard Construction is poised to take advantage of every good work day until winter. Work on the Timpanogos Pond (at left) will continue well into the fall.

Visit our website for regular project updates: <http://cuwcd.com/cupca/projects/wcwap/wcwap.htm>

Nov 98

Winner of Water Conservation Poster Contest

Amanda Muir is the regional winner of the "Water Conservation Poster Contest." Out of hundreds of contestants there were only twelve state winners. Amanda was honored at a tea and banquet held at the University of Utah Panorama Restaurant where she was presented with a trophy.

On Dec. 15 she will attend a meeting with Governor Leavitt at the State Capitol. At that time she will have her picture taken with the Governor. Their picture will appear in next year's "Water Conservation" calendar.



25 Nov 1998

1-6-99

CUP Receives \$89 Million

Money will be used to
finish Diamond Fork

BY DAVE ANDERTON
Wave Editor

The Central Utah Project received an early Christmas present this month—\$89.4 million from Congress and the Dept. of the Interior.

"That's what we asked for," said Claude Hicken, chairman of Central Utah Water Conservancy District.

Approximately \$39.4 million will be designated for the completion of the Central Utah Project, a massive federal program designed to help Utah claim its 1.7 million acre-feet a year of water from the Colorado River. The remaining \$50 million will go toward the completion of the Diamond Fork System, a project that will divert 86,100 acre-feet of water from Strawberry Reservoir to Utah Lake as a replacement for water being withheld in Jordanelle Reservoir, more commonly known as the Jordanelle Exchange.

"The water in Strawberry Reservoir can then be exchanged for water stored in Jordanelle Reservoir," Hicken said. "Water



Wave Photo by Dave Anderton

Thirsty?

Midway To Get A Second Water Line

Residents will see some construction around town this summer as the new water line is put in

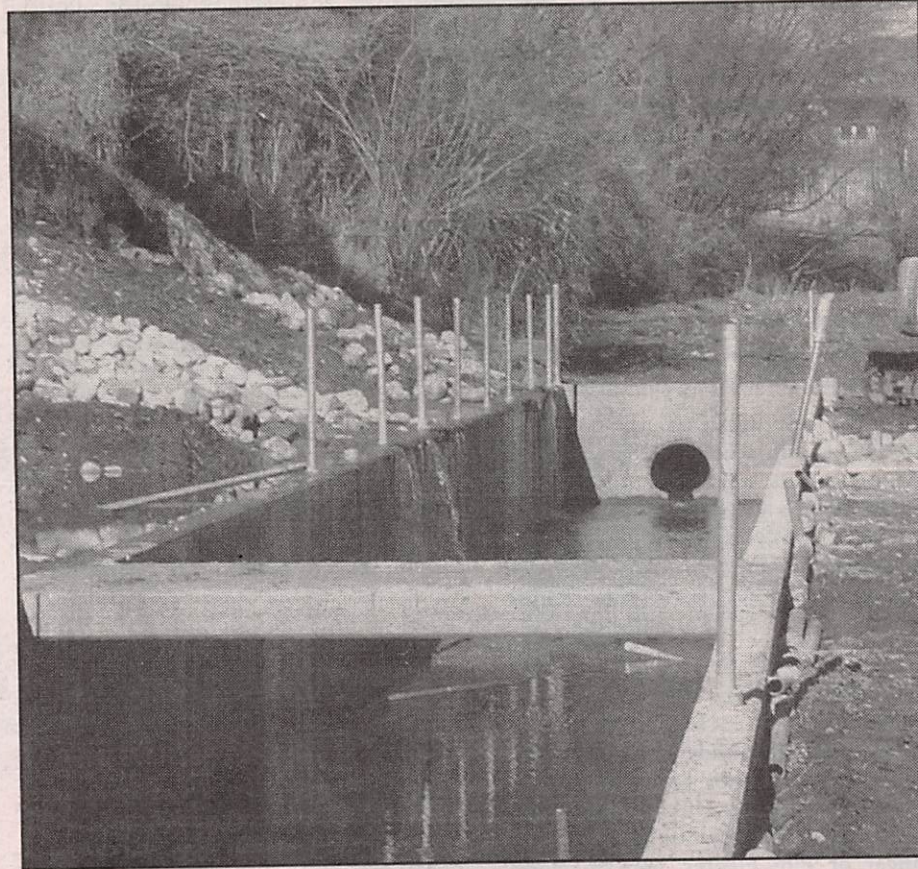
Suzanne Bates, *Courier Staff*

This summer Midway is getting a supplemental water line that will hopefully lower some residents' water bills. Midway Irrigation Company in conjunction with Midway City is going to lay a new line of water pipe through Midway and the surrounding areas that will provide water for irrigation purposes.

Currently residents must use water designated as culinary to water their lawns and other land in the city. This water is more expensive, as it has to be at a higher quality than water used to irrigate. The supplemental water line that is being put in will carry irrigation water to those who currently can only access culinary water at their residences. Midway Irrigation Company President Steve Farrell said that this new system will lower the cost of water for residents, and it will also help the company conserve more culinary water.

Midway Irrigation Company manages all of the water for Midway and the surrounding areas. Of the 3500 shares in the company, approximately 600 are owned by the Wasatch Mountain State Park, and 300 by Midway City. The majority of the shares are still controlled by local farmers. Midway City and Midway Irrigation Company work closely to provide and manage the water to Midway residents.

The irrigation company borrowed \$6 million to put the secondary system in to provide supplemental water to all those covered by the company. The area covered runs roughly from the State Park in Midway to the north end of Deer Creek Reservoir, and from the



Settling Ponds on 200 North in Midway are part of the complex water system that runs throughout the area.

Provo River in the east to the mountains in the west.

A few shareholders in Midway Irrigation Company were uncomfortable with the expense of putting in the new water line. However, when it came time to vote only seven votes out of approxi-

mately 2300 were against putting in the new system.

This all comes at a time when the county is trying to better coordinate its water needs. At a meeting on February 16, local irrigation companies and other interested parties met with County

Commissioners Kohler and Duke to talk about water needs.

The county has been allocated 4000 acre feet of water from the Central Utah Project. Of that, 1500 is going to Jordanelle. So far, Wallsburg is the only municipality in the county that has indicated they want part of the CUP water. At the meeting the county also announced the opening of a new position for a "water manager," who will work with, and organize, the current Wasatch Special Service District #1, which oversees the county's water usage. The water manager will review local development to ensure that there is enough water in the system to meet developers needs. He or she will also need to make sure there is real water to back up all of the "paper water" that exists in the county. Other areas in Utah have gotten into trouble because they had a great paper trail with claims to enough water for residents, but in actuality there was not enough water to meet people's needs.

Midway Irrigation Company remains staunchly independent of outside water systems. The company is self-sufficient, and remains committed to serving its area's water needs with the water it currently oversees.

The company is currently providing water to the Soldier Hollow Olympic site. The SLOC has promised to pay \$1 million for the use of the water until the 2002 Olympics. After the Olympics are finished whatever private entity takes over the site will have to pay to continue to use the water. **W**

Officer Ueber
vehicle that was found to have a
lights. The driver was found to have
suspended driver's license. Subsequent
to arrest, various illegal drugs were found
on the driver and throughout the sub-
ject's car. Drug paraphernalia was also
found. The passenger of the car was also
found to be in possession of illegal drugs
and paraphernalia.
Richard Salas, 31 years old, of West
Valley, was arrested for possession of
marijuana, possession of meth amphet-

McGruff Houses of
help. McGruff placard or bumper stick-
have a McGruff placard that they are a safe house
er indicating that they are a safe house
for children in danger.
There are not enough McGruff houses
in Heber! The Police Department has
McGruff applications for anyone inter-
ested in getting involved. Applicants are
screened to insure that they would be an

Update On Water Project

On March 31²⁰⁰⁰ work was completed by Gerber Construction on the Timpanogos Canal Improvements-Valley Hills Reach in which 1,950 feet of concrete lining was constructed through a portion of the Valley Hills subdivision. Valley Hills residents can look forward to less seepage this summer.

There will be a possible lane restriction on south U.S.-40 just north of the county complex beginning June 7.

by Dave Anderton

Update On Wasatch Water Efficiency Project

From the Office of the Wasatch
County Water Efficiency Project

As you may have noticed, the Wasatch County Water Efficiency Project is well underway with the installation of the pressurized irrigation system which will service hundreds of landowners in the Heber Valley. Crews will be laying pipe throughout the summer. Your patience and cooperation would be greatly appreciated. Construction is on schedule for a completion date of Dec. 31, 2000.

Water will be in the canals next week and flood irrigation will continue as usual for this season.

Currently, construction is taking place in the following areas: South Fields Road at the Heber Valley Railroad tracks, 1200 South and 1800 West

(Charleston), 900 West and 200 North (north of Midway Lane), along Industrial Parkway, Center Creek Road between U.S.-40 and 1800 East, along the Humbug Canal at approximately 600 East, north of Heber along the Timpanogos and Wasatch Canals.

Be prepared for periodic road closures in these areas as the contractors are laying pipe. We will report upcoming road closures each week as the work progresses.

Road closures:

Wednesday, April 5 through April 28 (open to local traffic only during daylight hours, fully open each night); 3600 South between U.S.-40 and 1200 East.

Please call 654-1571 or 654-4369 with any questions or comments.

Conserve water and money

The Jordan Valley Water Conservancy District is proposing to spend \$350 million to \$750 million of taxpayer money to build two diversion dams along the Bear River that will destroy family farms, inundate Shoshone burial grounds and dry up the world-renowned Bear River Migratory Bird Refuge.

Why? To provide new lawn and garden water for the Salt Lake Valley, where the use of water is already the most profligate in the country. Rather than promoting simple, cost-effective water conservation, which could save as much water as the Bear River dams would provide, the district wants to waste an incredible amount of money to encourage and sustain an incredible waste of water.

A conservancy is defined as an organization that conserves or protects natural resources, but the district clearly does neither and would more appropriately be called a water company because it profits from selling water. The Bear River is simply its latest target for a cash-generating pork-barrel project.

Though our excessive use of water provides ample ammunition for the district to sell the idea that the Bear River dams are necessary, even if the entire Salt Lake Valley were perfectly xeriscaped, the district would still pursue the Bear River dams.

Control of our water supply should be transferred to a governmental agency that is required by law to seek the most economically efficient and environmentally protective ways of providing municipal water. These criteria would obviate costly Bear River dams and usher in what is truly needed-water conservation.

Jon Jensen
Salt Lake City

2 age-old water disputes close to resolution

Both fights due to errors by federal Indian agents

By Lee Davidson

Deseret News Washington correspondent

WASHINGTON — Senators were surprised Tuesday that all players support bills to end two age-old Utah water fights — one to help the Shivwits tribe, the other to help the city of Duchesne.

"I've been in Congress 41 years. This is the first time I've participated in a hearing where no one is against anything," said Sen. Daniel K. Inouye, D-Hawaii, ranking Democrat on the Senate Indian Affairs Committee.

Sens. Orrin Hatch and Bob Bennett, R-Utah, said such support comes because the deals and bills were finally worked out through negotiation, instead of everyone suing each other in court.

Even the Clinton administration was impressed. Deputy Interior Secretary David J. Hayes testified the bills represent "the best approach to resolving contentious issues surrounding water rights in the West," and he urged others to use similar methods.

Both water fights are about 100 years old and result from errors by federal Indian agents in how they filed for water rights.

The Shivwits say agents failed to protect water rights on their reservation near St. George, which were largely swallowed up by neighboring white settlers. That left the

band no way to farm its land, and it languished in poverty.

Duchesne, a predominantly white settlement within the Ute Reservation, depends on water rights that Indian agents filed on behalf of the city. But the rights were put in the name of the old U.S. Indian Service, preventing the city from obtaining clear title.

One bill Hatch and Bennett are pushing would give Duchesne clear title to that water. In exchange, Utes wanting to hook up to the city water system would not be assessed normal connection or development fees.

The other bill would implement a complicated deal to provide 4,000 acre-feet of water per year to the Shivwits and end a lawsuit that could have given the tribe almost all the water in the Santa Clara

River but likely would take decades and millions of dollars to litigate.

It would provide 2,000 acre-feet of treated wastewater from the St. George Water Reuse Project for agriculture; 100 acre-feet from wells; and 1,900 acre-feet from a new pressurized pipeline from Gunlock Reservoir (which will also be used to stabilize year-round Santa Clara River flows to protect endangered fish).

The bill calls for \$24 million in federal funds for the deal. Of that, \$15 million would go to St. George for the band's share of the water reuse project costs; \$5 million would go to the Shivwits for economic development; \$3 million would go for environmental needs; and \$1 million would go to a trust fund to help the band cover opera-

tion costs of the Santa Clara pipeline.

Hatch, a member of the Indian Affairs Committee, said the Shivwits deal is especially important because the band lives in Washington County, "which is the driest county in Utah, which is the second driest state in the union."

Bennett said such agreements are rare over such a precious resource as water. He joked that control over water is so important in dry areas that "there's an old saying in Utah — it's better to be head of a ditch than head of a church."

Hatch said Senate leaders have agreed to expedite the bills. Reps. Jim Hansen and Chris Cannon, R-Utah, are moving similar bills in the House, and held hearings on them last month.

You can reach Lee Davidson by e-mail at lee@desnews.com

DEATHS

BARNEY, Indra M., 73, Provo, died

ary

BEDZIAN, Sarkis G., 81

Wasatch Lawn M

BULLARD, Bill

Lindquist

BOUD

Hall



GOVERNMENT WATCH

Water Board Member Left High and Dry

Allison Madsen

Courier Staff

The county commissioners are really in a bind this time. At the last yearly meeting of the Timber Lakes Property Owners' Association (TLPOA) on July 8, those present were supposed to hold an election to replace the members of the water board whose term ends this year. Unfortunately, that bit of business was overlooked.

The way the selection procedure was set up, the county commissioners would then appoint individuals to the water board based on that election. But Resolutions 98-4 and 98-10, created by the commissioners, which describe the selection process, don't explain what should happen in case the election doesn't take place at the yearly meeting.

But why wasn't the election held at the annual meeting? The answer is unknown.

"It seems like the Property Owners' Association got to everything but the important stuff," said Derek Pullan, county attorney.

One source said that two months before the election, the TLPOA requested materials needed for the election from the county attorney's office but that those were not furnished in time for the yearly meeting. Unfortunately, this information could not be verified.

In order to rectify the problem, the TLPOA held an election by mail. The results from this election came in last

Friday. But Pullan said that holding an election by mail-in ballot violates the ordinance, which states that "the five members of the executive committee shall be elected at such annual meeting." His advice to the commissioners at the last county commission meeting was to amend the resolution to express what should happen in case no election is held at the yearly meeting.

"You ought to make it clear what happens if no election is held at the annual meeting," he said.

There are a few different ways the commissioners could modify the resolution.

They could amend the ordinance to allow for a ballot-by-mail procedure (in other words, make legal what the TLPOA has already done), amend it to say that those already elected will serve another year, or simply amend it to allow the commissioners to make the appointments without input from the association.

This last option would defeat the purpose of the selection process created by the county, which is a unique variation of State law for SSDs. State Code dictates two methods for the creation of a governing board for a Special Service District: either the county can be the governing board, or a board can be elected directly. If the board is selected by direct election, only those who are full-time residents can elect part-timers are out of luck and would have no say in decisions. Since the desires of full- and part-time residents sometimes conflict, the county commissioners wanted to provide a means for

their voices to be heard. They decided to be the control board themselves and provide for an executive committee to serve as an advisor to them.

This executive committee is made up of seven members: two full-time residents appointed by the commissioners directly, and the other five (two full-time and three part-time) elected by Timber Lakes Property Owners and then officially appointed by the commissioners. Ultimately, the power to act is still in the hands of the commissioners and this bothers some people.

Vic Orvis is one person who would like to see the whole process changed. With things the way they are, he feels that this method only gives the "facade" that Timber Lakes Property Owners have power over the decisions made while the commissioners maintain "iron-fisted control" of the board.

"The county commissioners will do what they want to do and then find some pseudo-legal rationale for their actions," he said.

Obviously the resolution needs to be clarified, but the commissioners plan to modify the resolution at the next county commission meeting, which will be over a week after the ballots from the election by mail are in.

Legalizing the election by mail may make the TLPOA happy because it seems to be the only option this year that allows for the association's input.

Orvis, a newly appointed member of the board of directors of TLPOA, feels

the county should honor the election by mail.

"We went to a lot of trouble and expense to hold the election," he said. "If the county is going to ignore the results of that election it is to their peril."

According to Orvis, TLPOA spent at least a thousand dollars and over 30 hours of work to hold the election. He feels that honoring the election is the least they could do to "treat people decent and let them feel like they're giving their input into the selection process. The election is advisory at best so they might as well go with whoever is chosen."

However, it is impossible for an election by mail to be anonymous and the commissioners feel the lack of anonymity is a problem.

The final option, that of letting those already appointed serve another year, has its own complications. If someone didn't want to serve another year and decided to resign, then the commissioners would simply appoint another in his place.

It seems there is no easy solution to this situation. In the future, perhaps an ordinance that diverges from state code will need to be written more carefully, taking into consideration all the what-ifs. Or maybe it would be simpler to follow state code and directly elect the board members, the way most other SSDs in other counties are run. In any case, the commissioners will decide at the next county commission meeting on August 28th. **W**

